IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5035 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE B.J.SHETHNA
and
Hon'ble MR.JUSTICE N.G.NANDI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

PRAJAPATI BABABHAI REVABHAI

Versus

STATE OF GUJARAT

Appearance:

1. Special Civil Application No. 5035 of 1999

MR KV SHELAT for Petitioners No. 1-2

MR. S.P. SEN,GOVERNMENT PLEADER for Respondents No. 1-4

CORAM : MR.JUSTICE B.J.SHETHNA
and
MR.JUSTICE N.G.NANDI

Date of decision: 07/01/2002

ORAL JUDGEMENT

(Per : MR.JUSTICE B.J.SHETHNA)

1. By way of this writ petition, the petitioners have prayed that the respondents, their servants and agents be restrained from making any plantations in the part of their property, and declaring that the respondents have no right or authority to make plantations over the land of the petitioners, and the respondents be directed to complete the proceedings under the Land Acquisition Act; and to decide and make payment of compensation for the land acquired or which is to be acquired belonging to the petitioners. In response to the notice issued by this court, detailed reply affidavit is filed by Shri. S.K. Mehta, Dy. Conservator of Forests - Respondent No.3. In para-2 at running page-17 it has been stated on oath that:-

" I, reiterate that, only road side plantation is executing along Khoraj-Karjesan road and no land of the petitioners are encroached for the same".

(Emphasize supplied)

It is further stated in the reply affidavit that the plantation work is already over.

2. In view of the categorical statement made on oath by a responsible officer like Dy. Conservator of Forests, we do not see any reason to entertain this petition. It may be stated that, though the reply affidavit was filed way back on 31-8-1999, and copy of the same was served upon the counsel for the petitioner long back, no rejoinder to this has been filed. In that view of the matter, in our considered opinion, this petition is required to be disposed of and accordingly it is disposed of.

3. Before parting, we may state that, this matter is decided in absence of learned counsel for the petitioners because it is an old matter of 1999 which is listed today for the 34th time as per the endorsement made on our board. With these observations, this petition is disposed of. Rule discharged. No order as to costs.

Dt: 7-1-2002 (B.J. Shethna, J) (N.G. Nandi, J)

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